
Limited/Rancher Private Applicator Pilot Project

Report to the Washington State Legislature as required by RCW 17.21.187(9)

Prepared by
Washington State Department of Agriculture
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Acknowledgements

The Washington State Department of Agriculture (WSDA) would like to thank Rep. Cathy McMorris and all those individuals in Ferry, Okanogan, Stevens and Pend Oreille counties who have worked tirelessly to develop, implement and advocate for a meaningful pilot project. Paramount to this effort have been Daniel Fagerlie, Ferry County Extension Agent; Sheila Kennedy, Okanogan County Weed Board; Ed Windsor, rancher and former Washington State Weed Board member; Sue Winterowd, Stevens County Weed Board; and Jim Davidson, Ferry County Weed Board. They have served their counties well by positively advocating for appropriate regulation that ensures knowledgeable, competent and legal pesticide applicators.

Executive Summary

In 1999, the Legislature directed the Washington State Department of Agriculture (WSDA), in HB 1152, to conduct a pilot project to evaluate the feasibility of conducting a limited private applicator license and a rancher private applicator license to facilitate the control of weeds, especially those defined as noxious weeds. The project licenses are only valid in Ferry, Stevens, Okanogan, and Pend Oreille counties and expire on December 31, 2004. The legislation requires that the department submit a report to the legislature by September 1, 2003.

This project has been a successful, collaborative effort between WSDA, the landowners, county extension agents, and weed board coordinators in the four pilot counties. A working committee was formed to develop the criteria and evaluate the progress of the project. Their recommendations, along with the participant survey, are the foundation of this report.

Noxious weeds are a serious concern in the four target counties for a variety of reasons, including lack of control on federal and state lands, lack of control by absentee landowners, and a shortage of licensed pesticide applicators. The number of licensed applicators had dropped dramatically in the 10 years prior to 1999, while noxious weed pressures increased. According to local constituents, this drop was a response to the legislative changes made to private applicator licensing requirements implemented in 1990. Landowners felt the Private Applicator exam was too broad and the fee and the number of recertification credits too high for the very limited, restricted use pesticide work performed, such as noxious weed control and occasional gopher control by ranchers. Also, the herbicides that exhibit the best control for the noxious weeds in the area are restricted use pesticides, and therefore may only be purchased and used by licensed private applicators or someone under their direct supervision.

The purpose of the 1999 legislation was to determine if modifying the Private Applicator license requirements would result in more people obtaining licenses so as to be able to use restricted use pesticides to control weeds. WSDA's goal of the pilot project was to increase the number of trained, safe, and legal pesticide applicators in northeastern Washington and improve noxious weed control in the region.

Washington pesticide law requires the Private Applicator license for anyone applying restricted use pesticides, which includes herbicides and rodenticides, to agricultural land. Restricted use pesticides are so designated because of their greater potential to harm the applicator and/or the environment. WSDA's licensing and recertification program helps to ensure that applicators using restricted use pesticides understand their hazards, the techniques for proper application, and the requirements for legal use.

HB 1152 created a three-tiered Private Applicator pesticide license in the pilot counties. To supplement the existing Private Applicator license, the pilot created both a Limited Private Applicator and a Rancher Private Applicator license. Both of these licenses carry restrictions on the types of pesticides that may be applied and each has unique fee and recertification requirements. Individuals in the four counties were allowed to enter the pilot project up through December 31, 2002.

The existing Private Applicator license allows the use and supervision of restricted use pesticides on the agricultural land of the holder or their employer. The Limited Private Applicator license allows the holder to supervise and apply restricted use herbicides on non-production agricultural land that includes pastures, rangeland, fence rows and areas around farm buildings. The Rancher Private Applicator also allows the use and supervision of restricted use herbicides and rodenticides on non-production agricultural land and on production agricultural land where grain and hay are grown for primarily personal use.

Findings

A total of 167 individuals obtained either the Limited or Rancher Private Applicator license during the eligibility period (Jan. 1, 2000 – Dec. 31, 2002). Approximately 42% of these entered the project as new licensees, 44% switched over from an existing Private Applicator license, and 14% were former Private Applicators who had not successfully recertified through the credit accumulation method. They choose to become relicensed as one of the pilot licenses after passing the appropriate exam.

A May 2003 mail-in survey conducted by WSDA to all pilot participants garnished a healthy 44% return rate. Virtually all respondents asked that the pilot be continued because it has enabled them to improve their weed control activities.

One of the goals of the project was to increase weed control related knowledge among the participants. In the survey, the participants perceived the exams to be more directed and fair, and the continuing education in weed control as relevant to their actual activities. The number of weed control related recertification credits increased in the four pilot counties during the first three years of the pilot compared to the two years before the project began. During 1998, a total of 16 weed control related credits were offered in the four county area. This number doubled to an average of 32.33 during the pilot years.

Recommendations

Based on extensive feedback that WSDA has received from its working committee, weed board coordinators, and pilot licensees, the agency is recommending that the pilot project be expanded and implemented permanently.

WSDA concurs with the following recommendations provided by the working committee:

- Make the two licenses permanent through legislation. (Legislation must be enacted in 2004 to continue these licenses without interruption.)
- Expand the two licenses throughout eastern Washington.
- Clarify that pilot licensees may perform noxious weed control with a restricted use pesticide in timber areas.
- Allow Rancher Private Applicators to sell up to 10% of hay and grain crops wherever they choose. (Under the pilot, they may only sell this percentage within the county of production.)

History

WSDA has administered a Private Applicator license since shortly after the institution of federal restricted use pesticides over 25 years ago. Individuals who apply restricted use pesticides to their own or their employer's agricultural land must be licensed as a Private Applicator. Pesticides is a broad term used to describe any product that controls, destroys, mitigates or repels a pest. They include herbicides, insecticides, rodenticides, fungicides, and miticides.

In addition to those products that are designated as federal restricted use, WSDA designates additional products as state restricted use. These designations have primarily been for environmental or crop protection. Examples of state restricted use pesticides include the herbicide 2,4-D in greater than one gallon containers when applied in eastern Washington, most aquatic pesticides and several herbicides that have the potential to leach into the groundwater.

Prior to 1990, the Private Applicator license was a no-fee, open-ended license. It could be obtained by submitting a take-home booklet or a simple, closed book examination. There were no continuing education (recertification) requirements. This all changed with passage of House Bill 2222 by the 1989 legislature. In order to address a federal mandate for continuing education of Private Applicators, recertification requirements were implemented. To address the fiscal impact of implementing a recertification program, the license was changed to an annually renewed, fee-based license. WSDA also used this opportunity to renovate the examination process. Because of widespread misuse, the take-home booklet was discontinued. WSDA collaborated with Washington State University to develop and implement an updated Private Applicator exam and study manual.

The Private Applicator exam is a broad based exam aimed at users of restricted use pesticides in production agriculture. It covers pesticide law, safety, agricultural pests (insects, weeds, diseases and vertebrates) and pest control principles. It requires a 70% passing grade.

The Private Applicator license may be renewed annually for \$25. Every five years, Private Applicators must be recertified in order to continue to qualify for license renewal. To be recertified, Private Applicators must obtain 20 department-approved recertification credits or retake the Private Applicator test.

These changes were an adjustment to the agricultural industry. They were particularly difficult to accept in geographically isolated areas of the state where the main reason for a Private Applicator license was for the control of noxious weeds on non-production agricultural land and rangeland. As a result of the 1989 law changes, the number of licensed applicators dropped considerably. This was especially evident in northeastern Washington where the number of licensed applicators in the four target counties had dropped dramatically during the ten years leading up to the pilot project.

Landowners in this region expressed a collective frustration around the Private Applicator licensing requirements and the ongoing struggle to control noxious weeds on their property. There was a widespread belief that there would be a significant increase in the number of licensed applicators in this region and, in turn, increased weed control, if the licensing requirements were changed.

In an effort to address the frustrations of her constituents, Rep. Cathy McMorris introduced legislation in 1996 and 1997 to revise the Private Applicator license. WSDA began collaborative work with Rep. McMorris, which resulted in the enactment of a pilot project in 1997.

Unfortunately, area residents did not feel the initial pilot project adequately addressed their concerns. As a result, WSDA met with Rep. McMorris and concerned residents in Ferry, Stevens, and Okanogan counties in October 1997 to gain a better understanding of their issues. The department organized a subcommittee of landowners, cooperative extension agents, and county weed board staff. The group met in December 1997 and agreed upon the criteria that would encourage licensing and ensure appropriate education. WSDA then drafted proposed language, ensured that all subcommittee members were supportive, and forwarded the final language to Rep. McMorris for her consideration.

The resulting proposal was introduced as HB 3068 during the 1998 session. It passed out of the House but died in the Senate. A nearly identical bill, HB 1152, was introduced before the 1999 legislature and was adopted as the pilot project described in this report.

Summary of Major Provisions

The legislature created a five-year pilot project in the state's four northeastern counties to determine if modifying Private Applicator licensing requirements would result in more people obtaining a pesticide license to control weeds while ensuring that those who control them with restricted use herbicides are trained and competent licensed applicators.

Standard Private Applicator

The Private Applicator license allows the use and supervision of restricted use pesticides on the agricultural land of the holder or her or his employer. To obtain the license, an individual must pass the Private Applicator exam with a minimum score of 70%. This exam addresses pesticide law and safety issues along with a broad range of pests (insects, weeds, diseases and rodents) and their corresponding control options. The license costs \$25 a year and requires the licensee to meet recertification requirements every five years. Under recertification, the licensee must accumulate 20 hours of WSDA-approved credits, without regard to subject matter, or retest in order to maintain their license.

Limited Private Applicator

The Limited Private Applicator license allows the holder to supervise and apply restricted use herbicides on non-production agricultural land that includes pastures, rangeland, fencerows and areas around farm buildings. No other type of restricted use pesticide, including aquatic herbicides, can be used by the licensee unless they are under the direct supervision of a traditionally licensed Private Applicator.

The license requires a \$25 fee, good for the five years of the project, and a reduced number of recertification credits. To obtain the license, an individual must hold a Private Applicator license or pass the Limited Private Applicator exam with a minimum score of 70%. This exam addresses pesticide law and safety issues, weed pests and their control options.

Individuals entering the pilot project during the first year of the project must obtain eight recertification credits. Those entering during the second or third year (2001 or 2002) must obtain six recertification credits. All credits must be directly or indirectly related to weed control. As part of the project, county weed boards and extension agents committed to sponsoring annual weed control classes and to track the recertification credits of these licensees.

Rancher Private Applicator

The Rancher Private Applicator license allows the use and supervision of restricted use herbicides and gopher-control products on non-production agricultural land, as with the Limited Private Applicator license, and on production agricultural land where grain and hay are grown for primarily personal use. The licensee may only distribute up to 10% of the grain and hay grown and then only within the county of production. No other type of restricted use pesticide, including aquatic herbicides, can be used by the licensee unless they are under the direct supervision of a traditionally licensed Private Applicator.

The license requires a \$75 fee, good for the five years of the project. To obtain the license, an individual must hold a Private Applicator license or pass the Rancher Private Applicator exam with

a minimum score of 70%. This exam addresses pesticide law and safety issues, weed and rodent pests and their control options.

The number of recertification credits for Rancher Private Applicators is dependent on when they enter the pilot. Those entering the first year of the project must obtain twelve recertification credits while those entering during the second or third year (2001 or 2002) must obtain ten recertification credits. There is no restriction on the type of WSDA-approved courses attended.

The following table compares the licensing requirements for Private Applicators and the two pilot licenses, the Limited Private Applicator and the Rancher Private Applicator.

Requirement	<i>Private Applicator</i>	<i>Limited Private Applicator</i>	<i>Rancher Private Applicator</i>
Renewal Period	Annual	Five years	Five years
License Fee	\$25/year	\$25/up to 5 years	\$75/up to 5 years
Qualification	Private Applicator exam	Private Applicator or Limited Private Applicator exam	Private Applicator or Rancher Private Applicator exam
# of Recertification Credits	20 every 5 years; no more than 8/year	Enter 1 st yr. - 8 Enter 2 nd or 3 rd yr. - 6	Enter 1 st yr. - 12 Enter 2 nd or 3 rd yr. - 10
Credit Category	Licensee discretion	Weed control related	Licensee discretion
Types of Restricted Use Pesticides allowed	All except some aquatic	Only herbicides on non-production ag land - no aquatic	Herbicides & rodenticides on non- production land and on production ag land used to grow hay and grain primarily for on farm use - no aquatic
Availability	Statewide	Ferry, Okanogan, Stevens & Pend Oreille counties	Ferry, Okanogan, Stevens & Pend Oreille counties

Findings

Pilot project participation

As illustrated in the chart below, a total of 167 individuals obtained either the Limited or Rancher Private Applicator license during the eligibility period (Jan. 1, 2000 – Dec. 31, 2002).

Approximately 42% of these entered the project as new licensees, 44% switched over from an existing Private Applicator license, and 14% were former Private Applicators who had not successfully recertified through the credit accumulation method. They choose to become relicensed as one of the pilot licenses after passing the appropriate pilot exam.

Private Applicator Pilot Project Participation

<u>License Type</u>	<u>New</u>	<u>Priv. Ap to pilot</u>	<u>Retested</u>	<u>Unknown</u>	<u>= Total</u>
Limited Private Applicator	44	47	9	0	= 100
Rancher Private Applicator	26	24	14	3	= 67
					167

In the fiscal note for HB 1152, WSDA predicted that 470 individuals would acquire a pilot license. This was a “best guess” estimate that was developed after consultation with county weed board and/or extension staff. There may have been reluctance on the part of some to enter a pilot project. Also, there was higher participation in the two counties (Okanogan and Ferry) that actively publicized the pilot license. There is a belief among the working committee that more individuals will participate if the pilot licenses are made permanent.

From January 1, 2000 – August 31, 2003, there were 11 complaints involving Private Applicators in the four pilot counties and none involving either of the pilot licenses.

Comments from pilot project participants

Those involved in the project have expressed support for its continuation. A May 2003 mail-in survey conducted by WSDA (see Appendices) to all pilot participants garnished a healthy 44% return rate. Virtually all asked that the pilot be continued because it has enabled them to improve their weed control activities. Following is a representative sample of survey comments:

There has been a dramatic reduction of noxious weeds on my property. I have the satisfaction of having my weed problem under control. I hope to keep it that way. This project has been very valuable and I hope you keep this classification.

It is a worthwhile program for what I do. I am able to keep on top of my many small spot problem weeds. It is a great advantage to be able to control small patches without the need to hire a professional weed sprayer at a considerable cost for such small spots. This is a program that is of great value and should be continued. It most certainly should be implemented permanently. I hope my neighbor will get involved which would help me with my weed control...

Without the ability to purchase herbicides, many noxious weeds would not be controlled and parts of our property would be useless. I believe this program is good for many of us who are endeavoring to control and eradicate noxious weeds and who don't need private applicator permits.

Having the license has allowed me to eradicate a major problem with weeds along fence lines and in pastures. I now have good control of thistle and knapweed that was destroying the pasture.

Lowered overall cost of weed control because of lower license cost. Also I don't have to go to courses that don't apply to what I do on my land. I feel this is a good program, especially for small landowners like myself that grow no crops.

The license has been very good for weed control because it gives landowners with a good amount of property the incentive and access to take action instead of just letting it sit because of the hassle. Not only have we become involved in spraying for weeds, but we also have two spots where the extension office has released bugs.

Without the training and license, I would be well behind where I am in weed management. I also would have wasted a lot of time, effort, money and chemicals without the positive results this program has provided. This project should be extended to any county that has a noxious weed program. Note: the key to this program is the quality of the training.

Increase in weed control related recertification courses

One of the goals of the project was to increase weed control related knowledge among its participants. In order to help realize this goal, there was a consensus that more weed control related recertification courses were needed. Would the institution of this pilot project increase the number of weed control related recertification credits offered in the four pilot counties?

The following chart illustrates that the number of weed control related recertification credits increased in the four pilot counties during the first three years of the pilot compared to two years before the project began. During 1998, a total of 16 weed control related credits were offered in the four county area. This number doubled to an average of 32.33 during the pilot years.

County	1998 credits (before pilot)	2000 credits (1st year)	2001 credits (2nd year)	2002 (3rd year)
Ferry	4	5	12	6
Okanogan	6	16	11	16
Pend Oreille	0	6	3	5
Stevens	6	6	5	6
TOTAL	16	33	31	33
AVG.	4	8.25	7.75	8.25

Support from weed board coordinators

A survey to weed board coordinators at their March 2003 meeting indicates overwhelming support to continue the pilot licenses and expand them to other counties. Of 16 surveys completed, 13 coordinators were in favor of so doing, two were neutral and one was not in favor of continuing the project. All of those in favor of continuing the project, except for one, were from eastern Washington. One of the neutral coordinators was from western Washington. He did not feel the project was necessary in this part of the state because the products used to control all but the aquatic noxious weeds are not restricted use pesticides. (Note: Use of restricted use aquatic pesticides is not allowed with either pilot license.) The one coordinator not in favor of continuing the pilot licenses felt they should be discontinued because there are “far too many license categories in Washington State.”

Support from working committee

Since October 1997, when WSDA first met with Rep. Cathy McMorris and concerned residents from northeastern Washington, WSDA have collaborated with a working committee of landowners, cooperative extension agents, and county weed board employees. This group developed the criterion that was eventually adopted by the Legislature as this pilot project. It met after adoption of the legislation to work out the details of implementing the project and then again in April of 2003 to evaluate progress of the project.

All of those attending the April 2003 meeting, which included representatives from the weed boards of Ferry, Okanogan, and Stevens counties, the Ferry County extension agent, ranchers and a US Forest Service representative, felt the licenses were a success and should be implemented permanently. Following are some of the positive results the committee identified.

- The pilot has resulted in getting people licensed who have never held a pesticide license in the past. The sole purpose for them getting licensed is to control noxious weeds.
- The reduced license fee and less need for commercial applicators provides more money for “on the ground” work.
- More people are coming into weed control workshops and gaining knowledge about how to better control weeds. These courses are even attracting unlicensed individuals who want to learn more about weed control. This should help them if they decide to get licensed in the future.
- Affected people are attending weed control courses instead of orchard, turf or other non-related courses.
- The more flexible licensing requirements have enabled people to control their weeds legally.
- Those interested in controlling weeds on their property don’t have to take an exam that includes questions on insects, mites and diseases.
- The pilot has added or retained individuals as certified applicators who not only control the weeds on their property but who help control their neighbor’s weeds as well.

Support from State Noxious Weed Control Board

The Board has been very supportive of the pilot licenses and voted at its September 16, 2003 meeting to support continuation of the licenses and their expansion throughout eastern Washington.

Support for other agencies

The Department of Natural Resources and the Environmental Protection Agency are supportive of the pilot licenses and do not have concerns with implementing them permanently.

Recommendations

Based on extensive feedback that WSDA has received from its working committee, weed board coordinators, and pilot licensees, the agency is recommending that the pilot project be expanded and implemented permanently. See Appendix B for letters of support.

To accomplish this, WSDA is developing proposed legislation that would do the following:

1. Permanently implement the Limited and Rancher Private Applicator licenses with the same fee, renewal and recertification parameters as the pilot project except:
 - No graduated scale for recertification requirements. This will not be necessary with a permanent license.
 - Expand the allowable application sites for both licenses to include the use of restricted use pesticides on timber areas to control weeds designated for mandatory control under RCW 17.10 and WAC 16-750 and county regulations adopted under the authority of RCW 17.10. This is necessary because many ranchers have mixed rangeland-timber areas where their cattle graze. Since the current pilot does not specifically address these areas, ranchers have asked the agency to do so in proposed legislation. In order to effectively control noxious weeds, it is critical that ranchers be able to control classified weeds throughout their range area.
2. Expand the licenses to all of eastern Washington using the geographical designation found in WAC 16-230-610. This rule designates all formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D and MCPA as state restricted use pesticides **in all counties located east of the cascades**.

The focus on expanding the licensing to eastern Washington and not western Washington is due to several factors. These include extensive noxious weed pressures in eastern Washington pastures and rangelands similar to the conditions that exist in the pilot project counties. One of the two most important herbicides (2,4-D) is not restricted use in western Washington, but it is in eastern Washington due to crop incompatibility. The herbicide, which is commonly used on wheat, was designated as state restricted use in eastern Washington because of a history of crop damage to broad leaf crops such as grapes. There was also significant interest by the county weed boards in eastern Washington to provide landowners with a way to control noxious and other problem weeds with a targeted license that dealt with herbicide use only. There was no interest expressed by western Washington weed boards to extend the licensing to all of Washington state.

3. Allow those with the Rancher Private Applicator to sell up to 10% of hay and grain crops wherever they choose. Under the pilot, they may only sell this percentage **within** the county of production. The original goal for restricting sales to the county of production was to deter abuse of the license by those in production agriculture. The pilot licenses are in no way intended for those in the commercial production of hay and/or grain crops.

WSDA and its working committee believe this goal can be accomplished with the 10% restriction alone. There is nothing gained from preventing a rancher from selling a small amount of hay or grain to another rancher who lives nearby but in a different county.

Appendices

Appendix A – RCW 17.21.187 – Statute authorizing limited and rancher private applicator licenses

Appendix B – Letters of support from:

- Ferry County Commissioners
- Okanogan County Noxious Weed Control Board

Appendix C – 2003 survey sent to pilot participants

Appendix D – List of working committee members